

REMARKS

Applicant thanks the Examiner for withdrawing the rejections of claims 10 and 31 in view of the March 3, 2003 Amendment, and for now indicating that these claims are allowable.

Status of the Application

Claims 1, 2, 4, 5, 7-11 and 25-35 are all the claims pending in the Application, as claims 34 and 35 are hereby added to more fully describe the invention. Claims 1, 2, 4, 5, 7-9, 11, 25-29, 32 and 33 have been rejected.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 10 and 31 would be allowed if rewritten in independent form. Applicant has rewritten claims 10 and 31 as new independent claims 34 and 35, respectively. Thus, Applicant believes new claims 34 and 35 to be immediately allowable.

Claim Rejections

The Examiner has rejected claims 1, 2, 4, 5, 7-9, 25-30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Mizushima (JP 05-090262; hereinafter "Mizushima") in view of Farkas (US 6,001,730; hereinafter "Farkas"); and claims 11 and 32 as being unpatentable over Mizushima in view of Farkas and further in view of Nogami et al. (US 6,214,731; hereinafter "Nogami"). These rejections are respectfully traversed.

Regarding independent claims 1 and 4, even if Mizushima and Farkas could have been combined as the Examiner alleges, Applicant respectfully submits that the resultant combination would still fail to teach or suggest *at least* that "the first cover layer covers at least a portion of a top surface of the conductor," as recited in those claims.

Specifically, neither 2nd conductive film 11 of Mizushima nor barrier layer 21 of Farkas (the portions alleged by the Examiner to correspond to the recited “first cover layer”) are arranged on top surfaces of conductors 14 or 22, respectively.

Thus, Applicant respectfully submits that independent claims 1 and 4 are patentable over the applied references. Further, Applicant respectfully submits that dependent claims 2, 5, 7-11, 25, and 26-33 are allowable, *at least* by virtue of their dependency.¹

Additionally, regarding the rejection of claims 11 and 32, Applicants agree with the Examiner’s concession that neither Mizushima nor Farkas, nor any combination thereof, teaches or suggests “a trench having inner side faces tilted at an angle of 70° to 80° with respect to an imaginary plane of a bottom of the trench.” However, Applicant does not agree with the Examiner’s position that a third reference, Nogami, discloses such features.

Specifically, although Nogami discloses a vaguely tapered trench structure in FIG. 1, it fails to teach or suggest any specific angle range that the walls of the wiring trench should be arranged, such as those recited in claims 11 and 32.²

Thus, Applicant respectfully submits that at least dependent claims 11 and 32 are separately patentable over the applied references, and therefore requests that the Examiner withdraw this rejection.

¹ And, regarding claims 10 and 31, the Examiner’s express indication of allowability.

² It has long been held that, “[w]hen the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int’l*, 222 F.3d 951, 956, USPQ2d 1487, 1491 (Fed. Cir. 2000); *MPEP* § 2125.

Amendment Under 37 C.F.R. § 1.114(c)
U.S. Appln. No.: 09/739,620

Attorney Docket # Q61572

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1, 2, 4, 5, 7-11 and 25-35 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1, 2, 4, 5, 7-11 and 25-35.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



Timothy P. Cremen
Registration No. 50,855

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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